

REMARKS

Claims 1-2, 7-8, 15, 17-26 and 29-36 are pending.

Claims 3-6, 9-14, 16 and 27-28 have been cancelled.

Claim 37 has been added.

In the Office Action dated June 26, 2009, claim 27 was objected to; claim 1 was rejected on the grounds of nonstatutory obviousness-type double patenting as unpatentable over claim 1 of U.S. Patent No. 7,093,147 (Kumar); claim 7 was rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claim 14 of Kumar; claims 1-2, 7-8, 15, 17-22, 24-27, and 29-36 were rejected under 35 U.S.C. § 102(a) as anticipated by Kumar; and claim 23 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kumar in view of Nagae (U.S. Patent No. 6,006,248).

Claim 27 has been cancelled to render the rejection moot—note that the subject matter of former claim 27 now appears in new claim 37.

In view of the fact that Kumar has been overcome as prior art (*see* below), the obviousness-type double patenting rejection has also been overcome. Therefore, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

A Declaration under 37 C.F.R. § 1.132 is being submitted herewith to establish that portions of Kumar ("Processor Power Reduction Via Single-ISA Heterogeneous Multi-core Architectures," IEEE Computer Architecture Letters, Volume 2, April 2003) relied upon in the Office Action describes subject matter developed by the inventors of the present application.

The Rule 132 Declaration attributes the content of Kumar relied upon in the rejections to the inventors of the present application. The Rule 132 Declaration establishes that the content of Kumar relied upon on the rejections originated with or was obtained from the inventors of the present application. As set forth in M.P.E.P. § 716.10, such attribution of a prior reference to the Applicant is sufficient to remove the prior reference (in this case Kumar) as prior art. See M.P.E.P. § 716.10 (8th Ed. Rev. 6), at 700-303.

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In view of the Rule 132 Declaration, Kumar has been overcome as a reference, and therefore, the § 102 rejection of the claims over Kumar, and the § 103 rejection over Kumar in view of Nagae, have been overcome.

Allowance of all claims is therefore respectfully requested.

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The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200210109-1).

Respectfully submitted,

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